UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SAMANTHA NIEVES,

Plaintiff,

-against-

THE CITY OF NEW YORK; STEVEN LOPEZ, JOHN TANCREDI, CHRISTOPHER ENG and "JOHN DOE" #1 – 6, Individually and in Their Official Capacities,

Defendants.

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STIPULATION OF VOLUNTARY DISMISSAL

14-CV-5861 (CBA)(SMG)

WHEREAS, plaintiff Samantha Nieves commenced this action against Defendants City of New York, Steven Lopez, John Tancredi and Christopher Eng by filing a Complaint in the United States District Court for the Eastern District of New York on October 7, 2014, alleging violations of plaintiff's federal civil and state law rights; and

WHEREAS, defendants City of New York, Steven Lopez, John Tancredi and Christopher Eng have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, plaintiff Samantha Nieves now seeks to voluntarily discontinue the matter in its entirety and with prejudice; and

WHEREAS, no party herein is an infant or incompetent for whom a committee has been appointed; and

WHEREAS, there is no person not a party who has any interest in the subject matter of this proceeding; and

WHEREAS, plaintiff Samantha Nieves has authorized her counsel to discontinue this matter against all defendants on the terms set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), with prejudice, and without costs, expenses, or attorneys' fees to any party.

2. Nothing contained herein shall be deemed to be an admission by the defendants City of New York, Steven Lopez, John Tancredi and Christopher Eng that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

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3. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

EUGENE M. BELLIN,
Attorney for Plaintiff
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New York, NY 10279
(212) 267-9100

By: ______________________
Eugene M. Bellin, Esq.
Attorney for Plaintiff

ZACHARY W. CARTER
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City of New York
Attorney for Defendants City of New York, Steven Lopez, John Tancredi and Christopher Eng
100 Church Street, 3rd Floor
New York, New York 10007
(212) 356-2404

By: ______________________
Deborah L. Mbabazi, Esq.
Assistant Corporation Counsel

SO ORDERED:

____
HON. CAROL BAGLEY AMON
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
____________, 2015